

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY )	
COMMISSION, )	
Plaintiff, )	Civil Action No: 2:16-cv-1208
v. )	<b>COMPLAINT</b>
SCION DENTAL, INC., )	(JURY TRIAL DEMANDED)
Defendant. )	
_____ )	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 as amended, and Title I of the Civil Rights Act of 1991 (“Title VII”) to correct unlawful employment practices on the basis of race at defendant Scion Dental, Inc., and to provide appropriate relief to a Black employee/applicant, Nartisha M. Leija. As alleged with greater particularity below, defendant has engaged in unlawful discrimination by denying employment to Ms. Leija on the basis of her race and ending her employment at Scion Dental, Inc. on the basis of her race.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. § 2000e-5(f) (1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged in this Complaint were committed within the jurisdiction of the United States District Court for the Eastern District of Wisconsin.

PARTIES

3. The plaintiff, Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with administering, interpreting, and enforcing Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, the defendant, Scion Dental, Inc. (“Scion”) has continuously been and is now a corporation doing business in the State of Wisconsin and has continuously had and does now have at least 15 employees.

5. At all relevant times, Scion has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

#### STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Ms. Leija filed a charge with the EEOC alleging violations of Title VII by Scion.

7. On September 10, 2015, the EEOC issued to Defendant Scion a Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. The EEOC engaged in communications with Defendant Scion to provide Defendant the opportunity to remedy the discriminatory practices described in the Letter of Determination.

9. The EEOC was unable to secure from Defendant Scion a conciliation agreement acceptable to the EEOC.

10. On November 13, 2015, the EEOC notified the Defendant Scion in writing that conciliation efforts had failed.

11. All conditions precedent to the institution of this lawsuit have been fulfilled.

### STATEMENT OF CLAIMS

12. Beginning in or about July 2014, Ms. Leija was employed as a temporary Network Development Representative at Scion's facility in Menomonee Falls, Wisconsin.

13. Beginning in or about October, 2014, as illustrated in part by paragraph 14 below, Scion engaged in unlawful employment practices in violation of Title VII by failing and refusing to hire Ms. Leija to numerous open positions as a full-time Network Development Representative based on her race, Black, and by terminating her employment based on her race, Black, while hiring non-Black applicants into the open positions.

14. The unlawful employment practices included, but were not limited to:

a) In or about October, 2014, Scion failed and refused to hire Ms. Leija for an opening as a Network Development Representative, despite her application for the position and her demonstrated qualifications for the positions, for the stated reason that she lacked a college degree; but Scion went on to hire two Caucasian applicants without college degrees into openings as Network Development Representatives in or about December 2014.

b) In or about January 2015 and thereafter, Scion failed and refused to hire Ms. Leija for an opening as a Network Development Representative, despite her application and her demonstrated qualifications for the position, for the stated reason that she was not qualified for the position; but Scion hired one or more non-Black applicants whose experience at Scion and other qualifications did not meet or exceed Ms. Leija's.

c) In or about April, 2015, Scion terminated of Ms. Leija's temporary position for the stated reason that planned projects were not active, but Scion then and thereafter continued to search for one or more full-time employees, including within days thereafter, posting for a full-time Network Development Representative. As of its termination of Ms. Leija, Scion had hired at

least 7 new full-time Network Development Representatives, none of whom were Black.

15. The effect of the practices complained of in Paragraphs 13 and 14 above has been to deprive Ms. Leija of equal employment opportunities and otherwise adversely affect her status as an applicant and employee because of her race, Black, in violation of Title VII.

16. The unlawful employment practices complained of in Paragraphs 13 and 14 above were intentional.

17. The unlawful employment practices complained of in Paragraphs 13 and 14 were done with malice or with reckless indifference to Ms. Leija's federally-protected rights.

#### PRAYER FOR RELIEF

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Scion and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of race;

B. Order Scion to institute and carry out policies, practices, and programs which provide equal employment opportunities for Black applicants and employees, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Scion to make Ms. Leija whole by providing appropriate back pay and lost benefits with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its past and present unlawful employment practices, including but not limited to rightful-place hiring and/or reinstatement;

D. Order Scion to make Ms. Leija whole by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to front pay, including lost benefits, as necessary in lieu of rightful-place hiring and/or reinstatement;

E. Order Scion to make Ms. Leija whole by providing compensation for past and

future pecuniary losses resulting from the unlawful employment practices described in paragraphs 13 and 14 above, including but not limited to job search expenses, in amounts to be determined at trial;

F. Order Scion to make Ms. Leija whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraphs 13 and 14 above, including but not limited to emotional pain, suffering, loss of enjoyment of life, and humiliation, in an amount to be determined at trial;

G. Order Scion to pay Ms. Leija punitive damages for its malicious or reckless conduct, as described in paragraphs 13 to 14 above, in an amount to be determined at trial;

H. Grant such further relief as the Court deems necessary and proper in the public interest; and

I. Award the EEOC its costs in this action.

JURY TRIAL DEMAND

EEOC requests a jury trial on all issues triable by jury.

P. DAVID LOPEZ  
General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
131 M Street, N.W.  
Washington, D.C. 20507-0100

John C. Hendrickson  
Regional Attorney

Jean P. Kamp  
Associate Regional Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Chicago District Office  
500 West Madison Street - Suite 2800  
Chicago, IL 60661

/s/ Carrie Vance

Carrie Vance  
Trial Attorney  
(WI Bar # 1056606)

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Milwaukee Area Office  
310 West Wisconsin Avenue - Suite 500  
Milwaukee, WI 53203-2292

*Telephone:* (414) 297-1130

*Fax:* (414) 297-3146

*E-mail:* john.hendrickson@eeoc.gov

*E-mail:* jean.kamp@eeoc.gov

*E-mail:* carrie.vance@eeoc.gov